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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,524	12/12/2001	Akio Ito	12324799	8531
27123	7590	01/03/2006		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,524	Applicant(s) ITO, AKIO	
	Examiner Heather D. Gibbs	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,11,12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,11,12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 09/26/05 has been entered and made of record. Claims 1-2,4-5,11-12,14-23 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2,4-5,11-12, 14-23 have been considered but are moot in view of the new ground(s) of rejection in lieu of applicant's amendments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2,4,11-12,14,16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (US 6,750,990) in view of Imaizumi et al (US 6,792,161).

For claim 1, which is representative of claim 11, Ohashi discloses an original convey unit 71 adapted to move an original in a sub-scanning direction; an image reading unit 74 adapted to read the original while moving the original by using said original convey unit; an abnormality detection unit 75 adapted to detect an abnormality

on a reading position of said image reading unit before said image reading unit reads the original (Fig 7; 9:13-31).

Ohashi does not disclose expressly a control unit adapted to limit an original size in a main-scanning direction which is permitted to be read by said image reading unit in accordance with the position of the abnormality detected by said abnormality detection unit.

Imaizumi discloses a control unit adapted to limit an original size in a main-scanning direction which is permitted to be read by said image reading unit in accordance with the position of the abnormality detected by said abnormality detection unit (4:43-52; 6:40-47).

Ohashi & Imaizumi are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Imaizumi with Ohashi.

The suggestion/motivation for doing so would have been to detect problems in image shading, as taught by Imaizumi.

Therefore, it would have been obvious to combine Imaizumi with Ohashi to obtain the invention as specified in claim 1.

For claim 2, which is representative of claims 12, Ohashi teaches wherein said abnormality detection unit detects continuity and a position of image data read by said image reading unit to detect the data as an abnormality (9:43-46,57-67; 14:6-29).

Regarding claim 4, which is representative of claim 14, Ohashi teaches wherein said abnormality detection unit detects continuity, a position, and a width of the image data to detect the data as an abnormality (8:16-45; Fig 4).

Regarding claim 16, Ohashi teaches a computer to execute the image reading method as defined in claim 11 (Col 15 Lines 5-14).

Considering claim 17, Ohashi teaches a storage medium characterized by storing the program defined in claim 16 as a computer-readable program (Col 15 Lines 1 5-36).

5. Claims 5,15,18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi '990 in view of Imaizumi '161 and further in view of Nguyen (US 6,336,082).

For claim 5, which is representative of claim 15, Ohashi and Imaizumi disclose an image reading apparatus comprising: an original convey unit 71 adapted to move an original; an image reading unit 74 adapted to read the original while moving the original by using said original convey unit and output image reading data; an abnormality detection unit 75 adapted to detect to detect an abnormality on a reading position of said image reading unit before said image reading units reads the original (4:43-52; 6:40-47).

Ohashi does not disclose expressly a control unit adapted to limit a resolution of the image reading data in accordance with the size of the abnormality detected by said abnormality detection unit.

Nguyen discloses a control unit adapted to limit a resolution of the image reading data in accordance with the size of the abnormality detected by said abnormality detection unit (4:9-23).

Ohashi, Imaizumi & Nguyen are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Ohashi, Imaizumi, and Nguyen.

The suggestion/motivation for doing so would have been to compensate for pixels representing overlapping features, as taught by Nguyen.

Therefore, it would have been obvious to combine Nguyen with Ohashi and Imaizumi to obtain the invention as specified in claim 5.

Regarding claim 18, which is representative of claim 20, Ohashi teaches wherein said abnormality detection unit detects continuity and a position of image data read by said image reading unit to detect the data as an abnormality (9:43-46,57-67; 14:6-29).

Considering claim 19, which is representative of claim 21, Ohashi teaches wherein said abnormality detection unit detects continuity, a position, and a width of the image data to detect the data as an abnormality (8:16-45; Fig 4).

Considering claim 22, Ohashi teaches a program characterized by causing a computer to execute the image reading method defined in claim 15 (Fig 2).

Regarding claim 23, Ohashi discloses a storage medium characterized by storing the program defined in claim 22 as a computer-readable program (Fig 9).

Conclusion

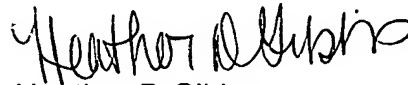
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2627

hdg


EXAMINER
TECHNICAL STAFF